A BILL

To provide enhanced student loan relief to educators.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Loan Forgiveness for
Educators Act of 2022”.

SEC. 2. LOAN FORGIVENESS AND CANCELLATION FOR EDU-
CATORS.

(a) ENHANCED TEACHER LOAN FORGIVENESS

UNDER THE FFEL PROGRAM.—Section 428J of the
Higher Education Act of 1965 (20 U.S.C. 1078–10) is
amended to read as follows:
“SEC. 428J. LOAN FORGIVENESS FOR EDUCATORS.

“(a) PURPOSE.—It is the purpose of this section to enhance student access to a well-prepared, diverse, and stable educator workforce by eliminating debt burdens for educators in return for service teaching and leading in high need schools or early childhood education programs.

“(b) PROGRAM AUTHORIZED.—Not later than 270 days after the date of enactment of the Loan Forgiveness for Educators Act of 2022, the Secretary shall carry out a program, through the holder of the loan, of assuming, as required under subsection (c), the obligation to repay a covered loan for qualifying educators engaged in qualifying service. A qualifying educator may apply for the program under this section after the Secretary has begun carrying out the program.

“(c) FORGIVENESS OF COVERED LOANS.—

“(1) FORGIVENESS OF LOANS UPON COMPLETION OF QUALIFYING SERVICE.—

“(A) IN GENERAL.—For each qualifying educator who has completed 5 years of qualifying service (including any qualifying service, as defined under this section as in effect after the date of implementation of the Loan Forgiveness for Educators Act of 2022, that may have been completed or performed before or after such date of implementation, or a com-
mination of qualifying service), the Secretary shall assume the obligation to repay an amount equal to 100 percent of the aggregate of the loan obligations (including interest and fees) on all covered loans that are outstanding as of the date of completion of such fifth year of qualifying service.

“(B) Timing.—The years of qualifying service required under subparagraph (A) may be consecutive or nonconsecutive, and the qualifying educator may elect which years of qualifying service to use for purposes of subparagraph (A).

“(2) Monthly Loan Forgiveness.—Upon application by any qualifying educator who has a covered loan and who is engaged in qualifying service, and in addition to any loan forgiveness under paragraph (1), the Secretary shall enter into an agreement with such qualifying educator, under which—

“(A) during the period of qualifying service (for qualifying service that occurs after the date of implementation of this Act), the Secretary agrees to assume the obligation to repay the minimum monthly obligation on all covered loans of the qualifying educator, based on the
repayment plan selected by the qualifying educator, for—

“(i) each month of qualifying service;

and

“(ii) any summer or other school or program year calendar breaks scheduled by a high need school or early childhood education program during a school or program year in which the qualifying educator is engaged in qualifying service;

“(B) during the period of qualifying service, the assumption of the monthly loan obligation provided will serve as a monthly payment, considered paid in full by the qualifying educator, based on the repayment plan selected by the qualifying educator (which, if the qualifying educator chooses, shall include any income driven repayment plan); and

“(C) during the period of qualifying service, each monthly obligation that is repaid by the Secretary under this paragraph on a covered loan shall be deemed to be a qualifying monthly payment made by the qualifying educator for purposes of the loan forgiveness program under section 455(m), if applicable.
“(3) APPLICATION.—The Secretary shall develop and make publicly available an application for qualifying educators who wish to receive loan forgiveness under this subsection. The application shall—

“(A) be available for qualifying educators to file for loan forgiveness under paragraph (1) and for monthly loan forgiveness under paragraph (2);

“(B) include any certification requirements that the Secretary determines are necessary to verify qualifying service; and

“(C) allow for the verification of the qualifying service—

“(i) in the case of an early childhood educator or an elementary or secondary school teacher serving in a high need school, by a school leader or the administrator of a local educational agency, educational service agency, Bureau of Indian Education, Native Hawaiian education system, or State educational agency that serves the school (or the administrator’s designee);
“(ii) in the case of an early childhood educator serving in an early childhood education program, by the director of that program (or the director’s designee);

“(iii) in the case of a school leader serving in a high need school, by the administrator of a local educational agency, educational service agency, Bureau of Indian Education, Native Hawaiian education system, or State educational agency that serves the school (or the administrator’s designee);

“(iv) in the case of a director of an early childhood education program, a leader of the entity overseeing the early childhood education program; and

“(v) in the case of a family child care provider or the director of an early childhood education program that operates as a standalone center-based program (for example, a case in which the center is not part of a larger company) that is an early childhood education program, by self-certification with supporting documents, such as a business license, a listing with a pub-
lic Child Care Resources and Referral website, or proof of participation in a Federal child care or preschool subsidy program.

“(4) PARENT PLUS LOANS.—

“(A) PARENT PLUS LOAN ON BEHALF OF A STUDENT WHO IS A QUALIFYING EDUCATOR.—A borrower of a parent loan under section 428B issued on behalf of a student who is a qualifying educator shall qualify for loan forgiveness and any other benefits under this section for the qualifying service of the student in the same manner and to the same extent as the student borrower qualifies for such loan forgiveness and other benefits.

“(B) PARENT PLUS LOAN BORROWED BY A PARENT WHO IS A QUALIFYING EDUCATOR.—The borrower of a parent loan under section 428B issued on behalf of a student who is not a qualifying educator shall also qualify for loan forgiveness and any other benefits under this section for qualifying service if that parent borrower is engaged in qualifying service and meets the requirements of this section.
“(5) Recipients of prior forgiveness.—A qualifying educator who received loan forgiveness under this section as in effect before the date of enactment of the Loan Forgiveness for Educators Act of 2022—

“(A) shall be eligible for loan forgiveness of covered loans in accordance with paragraph (1), including any remaining covered loans; and

“(B) may count the service completed that qualified the qualifying educator for previous loan forgiveness as qualifying service for purposes of paragraph (1).

“(6) Prohibition on requiring repayment.—A qualifying educator shall not be required to repay any amounts paid under this subsection if that qualifying educator who engages in qualifying service ends the qualifying service before the end of a school or program year, or before the end of the 5-year period described in paragraph (1).

“(d) Regulations.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

“(e) Construction.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.
“(f) List.—

“(1) In General.—The Secretary, shall—

“(A) as soon as practicable, produce and make publicly available a list of high need schools for purposes of this section; and

“(B) annually update such list.

“(2) List from Previous Year.—If the list of high need schools in which a qualifying educator may perform qualifying service is not available before May 1 of any year, the Secretary may use the list for the year preceding the year for which the determination is made to make a determination about whether an individual meets the requirements for qualifying service.

“(g) Additional Eligibility Provisions.—

“(1) Continued Eligibility.—Any qualifying educator who performs qualifying service in a school that—

“(A) is a high need school in any school year during such service; and

“(B) in a subsequent school year fails to meet the definition of a high need school may continue to serve in such school and shall be eligible for loan forgiveness pursuant to subsection (b).
“(2) Prevention of double benefits.—No qualifying educator may, for the same service, receive a benefit under both this section and—

“(A) section 428K; or

“(B) subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

“(3) No penalty for promotions.—Any qualifying educator who performs qualifying service in an early childhood education program or high need school and who is promoted to another position within that early childhood program or high need school after 1 or more years of qualifying service may continue to be employed in such position in such program or school and shall be eligible to count the period of employment in such position as qualifying service for loan forgiveness pursuant to subsection (b).

“(h) Definitions.—In this section:

“(1) Bureau of Indian education funded elementary or secondary school.—The term ‘Bureau of Indian Education funded elementary or secondary school’ means—
“(A) an elementary or secondary school or dormitory operated by the Bureau of Indian Education;

“(B) an elementary or secondary school or dormitory operated pursuant to a grant under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.); and

“(C) an elementary or secondary school or dormitory operated pursuant to a contract under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).

“(2) BUREAU OF INDIAN EDUCATION EARLY CHILDHOOD DEVELOPMENT PROGRAM.—The term ‘Bureau of Indian Education early childhood development program’ means—

“(A) a program operating under a grant authorized by section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019); or

“(B) an early childhood education program operated or funded by the Bureau of Indian Education (including Family and Child Education programs at schools funded by the Bureau of Indian Education authorized under section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001)).
“(3) Covered Loan.—The term ‘covered loan’ means a loan made, insured, or guaranteed under this part.

“(4) Early Childhood Education Program.—The term ‘early childhood education program’ means—

“(A) a high-need early childhood education program as defined in section 200;

“(B) a Head Start program (including an Early Head Start program) carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

“(C) an early childhood education program, as defined in section 103;

“(D) a Bureau of Indian Education early childhood development program;

“(E) a Native Hawaiian education system early childhood education program;

“(F) a Tribal early childhood education program; or

“(G) a consortium of entities described in any of subparagraphs (A) through (F).

“(5) High Need School.—The term ‘high need school’ means—

“(A) a public elementary or secondary school—
“(i) with respect to which the number of children meeting a measure of poverty under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, exceeds 30 percent of the total number of children enrolled in such school; and

“(ii) that is served by a local educational agency that is eligible for assistance pursuant to part A of title I of the Elementary and Secondary Education Act of 1965;

“(B) a public elementary or secondary school or location operated by an educational service agency in which the number of children meeting a measure of poverty under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total number of children enrolled in such school or location;

“(C) a public elementary or secondary school identified by the State for comprehensive support and improvement, targeted support and improvement, or additional targeted support and improvement, under section 1111 of the El-
elementary and Secondary Education Act of 1965;

“(D) a Bureau of Indian Education funded elementary or secondary school;

“(E) an elementary or secondary school operated by a Tribal educational agency; or

“(F) a Native Hawaiian education system.

“(6) INDIAN TRIBE.—The term ‘Indian Tribe’ means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subtitle pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

“(7) NATIVE HAWAIIAN EDUCATION SYSTEM.—The term ‘Native Hawaiian education system’ means an entity eligible to receive direct grants or enter into contracts with the Secretary under section 6205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7515) to carry out the authorized activities under that section.

“(8) QUALIFYING EDUCATOR.—Subject to subsection (i), the term ‘qualifying educator’ means—
“(A) an elementary or secondary school teacher who—

“(i) has obtained full State or Tribal certification and licensure requirements for such employment; and

“(ii) has not had such certification or licensure requirements waived on an emergency, temporary, or provisional basis;

“(B) an early childhood educator who provides care or instruction to children;

“(C) a school leader of an elementary or secondary school who—

“(i) has obtained full State or Tribal certification and licensure requirements for such employment; and

“(ii) has not had such certification or licensure requirements waived on an emergency, temporary, or provisional basis; or

“(D) an early childhood education program director (including a family child care provider).

“(9) QUALIFYING SERVICE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘qualifying service’ means—
“(i) in the case of a qualifying educator described in subparagraph (A) or (C) of paragraph (8), employment as a full-time qualifying educator in a high need school; and

“(ii) in the case of a qualifying educator described in subparagraph (B) or (D) of paragraph (8), employment as a full-time qualifying educator in an early childhood education program (including school-based programs).

“(B) EXCEPTION.—In the case of a qualifying educator who is unable to complete a full school or program year of service, that year may still be counted toward the required qualifying service period under paragraphs (1) and (2) of subsection (c) if—

“(i) the qualifying educator completed at least one-half of the school or program year;

“(ii) the employer considers the qualifying educator to have fulfilled the contract requirements for the school or program year for the purposes of salary increases, tenure, and retirement; and
“(iii) the qualifying educator was unable to complete the school or program year because—

“(I) the qualifying educator returned to postsecondary education, on at least a half-time basis, in an area of study directly related to the performance of the qualifying service;

“(II) the qualifying educator experienced a condition described in section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612);

“(III) the qualifying educator was called or ordered to Federal or State active duty status, or Active Service as a member of a Reserve Component of the Armed Forces named in section 10101 of title 10, United States Code, or service as a member of the National Guard on full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code; or

“(IV) the qualifying educator resides in or is employed in a disaster
area, as declared by any Federal, State, or local official in connection with a national emergency.

“(10) SCHOOL LEADER.—The term ‘school leader’ has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965.

“(11) TRIBAL EARLY CHILDHOOD EDUCATION PROGRAM.—The term ‘Tribal early childhood education program’ means any of the following programs:

“(A) An American Indian or Alaska Native Head Start or Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.).

“(B) A Tribal child care and development program carried out under the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.).

“(C) A program serving children from birth through age 6 that—

“(i) receives funding support from the Native American language preservation and maintenance program carried out under section 803C of the Native Amer-
ican Programs Act of 1974 (42 U.S.C. 2991b–3);

“(ii) is a Tribal prekindergarten program;

“(iii) is a program authorized under section 619 or part C of the Individuals with Disabilities Education Act; or

“(iv) is a center-based or group-based early childhood learning or development program that the Secretary determines shall be included under this definition, after receiving a request from an Indian Tribe.

“(12) TRIBAL EDUCATIONAL AGENCY.—The term ‘Tribal educational agency’ has the meaning given the term (without respect to capitalization) in section 6132(b) of the Elementary and Secondary Education Act of 1965.

“(13) YEAR.—The term ‘year’, when applied to service as a qualifying educator, means a school or program year as defined by the Secretary or the Secretary of Health and Human Services, as applicable.

“(i) SPECIAL RULE.—An educator that provides instruction or curricular development in an Alaska Native,
American Indian, or Native Hawaiian language or a Native American language as defined in the Native American Languages Act (25 U.S.C. 2902) shall be considered to be a qualifying educator regardless of whether the educator has achieved full State or Tribal certification and licensure requirements for such employment.”.

(b) ENHANCED TEACHER LOAN CANCELLATION UNDER THE DIRECT LOAN PROGRAM.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended to read as follows:

“SEC. 460. LOAN CANCELLATION FOR EDUCATORS.

“(a) PURPOSE.—It is the purpose of this section to enhance student access to a well-prepared, diverse, and stable educator workforce by eliminating debt burdens for educators in return for service teaching and leading in high need schools or early childhood education programs.

“(b) PROGRAM AUTHORIZED.—Not later than 270 days after the date of enactment of the Loan Forgiveness for Educators Act of 2022, the Secretary shall carry out a program of canceling, as required under subsection (c), the obligation to repay a covered loan for qualifying educators engaged in qualifying service. A qualifying educator may apply for the program under this section after the Secretary has begun carrying out the program.

“(c) CANCELLATION OF COVERED LOANS.—
(1) Cancellation of Loans Upon Completion of Qualifying Service.—

(A) In General.—For each qualifying educator who has completed 5 years of qualifying service (including any qualifying service, as defined under this section as in effect after the date of implementation of the Loan Forgiveness for Educators Act of 2022, that may have been completed or performed before or after such date of implementation, or a combination of qualifying service), the Secretary shall cancel an amount equal to 100 percent of the aggregate of the loan obligations (including interest and fees) on all covered loans that are outstanding as of the date of completion of such fifth year of qualifying service.

(B) Timing.—The years of qualifying service required under subparagraph (A) may be consecutive or nonconsecutive, and the qualifying educator may elect which years of qualifying service to use for purposes of this section.

(2) Monthly Loan Cancellation.—Upon application by any qualifying educator of a covered loan who is engaged in qualifying service, and in addition to any loan cancellation under paragraph (1),
the Secretary shall enter into an agreement with such qualifying educator, under which—

“(A) during the period of qualifying service (for qualifying service that occurs after the date of implementation of this Act), the Secretary agrees to cancel the minimum monthly obligation on all covered loans of the qualifying educator based on the repayment plan selected by the qualifying educator (which, if the educator chooses, shall include any income driven repayment plan), for—

“(i) each month of qualifying service; and

“(ii) any summer or other school or program year calendar breaks scheduled by a qualifying school or early childhood education program during a school or program year in which the qualifying educator is engaged in qualifying service;

“(B) during the period of qualifying service, interest shall not accrue on the qualifying educator’s covered loans; and

“(C) during the period of qualifying service, each monthly obligation that is cancelled by the Secretary under this paragraph on a cov-
ered loan shall be deemed to be a qualifying monthly payment made by the qualifying educa-
tor for purposes of the loan forgiveness pro-
gram under section 455(m), if applicable.

“(3) APPLICATION.—The Secretary shall de-
velop and make publicly available an application for qualifying educators who wish to receive loan can-
cellation under this subsection. The application shall—

“(A) be available for qualifying educators to file for loan cancellation under paragraph (1) and for monthly loan cancellation under para-
graph (2);

“(B) include any certification requirements that the Secretary determines are necessary to verify qualifying service; and

“(C) allow for the verification of the qual-
ifying service—

“(i) in the case of an early childhood educator or an elementary or secondary school teacher serving in a high need school, by a school leader or the adminis-
trator of a local educational agency, edu-
cational service agency, Bureau of Indian Education, Native Hawaiian education sys-
tem, or State educational agency that serves the school (or the administrator’s designee);

“(ii) in the case of an early childhood educator serving in a early childhood education program, by the director of that program (or the director’s designee);

“(iii) in the case of a school leader serving in a high need school, by the administrator of a local educational agency, educational service agency, Bureau of Indian Education, Native Hawaiian education system, or State educational agency that serves the school (or the administrator’s designee);

“(iv) in the case of a director of an early childhood education program, a leader of the entity overseeing the early childhood education program; and

“(v) in the case of a family child care provider or the director of an early childhood education program that operates as a standalone center-based program (for example, a case in which the center is not part of a larger company) that is an early
childhood education program, by self-certification with supporting documents, such as a business license, a listing with a public Child Care Resources and Referral website, or proof of participation in a Federal child care or preschool subsidy program.

“(4) PARENT PLUS LOANS.—

“(A) PARENT PLUS LOAN ON BEHALF OF A STUDENT WHO IS A QUALIFYING EDUCATOR.—A borrower of a parent Federal Direct PLUS Loan issued on behalf of a student who is a qualifying educator shall qualify for loan forgiveness and any other benefits under this section for the qualifying service of the student in the same manner and to the same extent as the student borrower qualifies for such loan forgiveness and other benefits.

“(B) PARENT PLUS LOAN BORROWED BY A PARENT WHO IS A QUALIFYING EDUCATOR.—

The borrower of a parent Federal Direct PLUS Loan issued on behalf of a student who is not a qualifying educator shall also qualify for loan forgiveness and any other benefits under this section for qualifying service if that parent bor-
rower is engaged in qualifying service and meets the requirements of this section.

“(5) **RECIPIENTS OF PRIOR LOAN CANCELLATION.**—A qualifying educator who received loan cancellation under this section as in effect before the date of enactment of the Loan Forgiveness for Educators Act of 2022—

“(A) shall be eligible for loan cancellation of covered loans in accordance with subsection (c)(1), including any remaining covered loans; and

“(B) may count the service completed that qualified the qualifying educator for previous loan cancellation as qualifying service for purposes of subsection (c)(1).

“(6) **PROHIBITION ON REQUIRING REPAYMENT.**—A qualifying educator shall not be required to repay any amounts paid under this subsection if that qualifying educator who engages in qualifying service ends the qualifying service before the end of a school or program year, or before the end of the 5-year period described in paragraph (1).

“(d) **REGULATIONS.**—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.
“(e) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any canceled loan.

“(f) LIST.—

“(1) IN GENERAL.—The Secretary shall—

“(A) as soon as practicable, produce and make publicly available a list of high need schools for purposes of this section; and

“(B) annually update such list.

“(2) LIST FROM PREVIOUS YEAR.—If the list of high need schools in which a qualifying educator may perform qualifying service is not available before May 1 of any year, the Secretary may use the list for the year preceding the year for which the determination is made to make a determination about whether an individual meets the requirements for qualifying service.

“(g) ADDITIONAL ELIGIBILITY PROVISIONS.—

“(1) CONTINUED ELIGIBILITY.—Any qualifying educator who performs qualifying service in a school that—

“(A) is a high need school in any school year during such service; and

“(B) in a subsequent school year fails to meet the definition of a high need school
may continue to serve in such school and shall be eligible for loan cancellation pursuant to subsection (b).

“(2) Prevention of double benefits.—No qualifying educator may, for the same service, receive a benefit under both this section and—

“(A) section 428K; or

“(B) subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

“(3) No penalty for promotions.—Any qualifying educator who performs qualifying service in an early childhood education program or high need school and who is promoted to another position within that early childhood program or high need school after 1 or more years of qualifying service may continue to be employed in such position in such program or school and shall be eligible to count the period of employment in such position as qualifying service for loan cancellation pursuant to subsection (b).

“(h) Definitions.—In this section:

“(1) Bureau of Indian education funded elementary or secondary school.—The term
‘Bureau of Indian Education funded elementary or secondary school’ means—

“(A) an elementary or secondary school or dormitory operated by the Bureau of Indian Education;

“(B) an elementary or secondary school or dormitory operated pursuant to a grant under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.); and

“(C) an elementary or secondary school or dormitory operated pursuant to a contract under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).

“(2) BUREAU OF INDIAN EDUCATION EARLY CHILDHOOD DEVELOPMENT PROGRAM.—The term ‘Bureau of Indian Education early childhood development program’ means—

“(A) a program operating under a grant authorized by section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019); or

“(B) an early childhood education program operated or funded by the Bureau of Indian Education (including Family and Child Education programs at schools funded by the Bureau of Indian Education authorized under sec-
tion 1121 of the Education Amendments of

“(3) COVERED LOAN.—The term ‘covered loan’
means a loan made, insured, or guaranteed under
this part.

“(4) EARLY CHILDHOOD EDUCATION PRO-
GRAM.—The term ‘early childhood education pro-
gram’ means—

“(A) a high-need early childhood education
program as defined in section 200;

“(B) a Head Start program (including an
Early Head Start program) carried out under
the Head Start Act (42 U.S.C. 9831 et seq.);

“(C) an early childhood education pro-
gram, as defined in section 103;

“(D) a Bureau of Indian Education early
childhood development program;

“(E) a Native Hawaiian education system
early childhood education program;

“(F) a Tribal early childhood education
program; or

“(G) a consortium of entities described in
any of subparagraphs (A) through (F).

“(5) HIGH NEED SCHOOL.—The term ‘high
need school’ means—
“(A) a public elementary or secondary school—

“(i) with respect to which the number of children meeting a measure of poverty under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, exceeds 30 percent of the total number of children enrolled in such school; and

“(ii) that is served by a local educational agency that is eligible for assistance pursuant to part A of title I of the Elementary and Secondary Education Act of 1965;

“(B) a public elementary or secondary school or location operated by an educational service agency in which the number of children meeting a measure of poverty under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total number of children enrolled in such school or location;

“(C) a public elementary or secondary school identified by the State for comprehensive support and improvement, targeted support and improvement, or additional targeted support
and improvement, under section 1111 of the Elementary and Secondary Education Act of 1965;

“(D) a Bureau of Indian Education funded elementary or secondary school;

“(E) an elementary or secondary school operated by a Tribal educational agency; or

“(F) a Native Hawaiian education system.

“(6) INDIAN TRIBE.—The term ‘Indian Tribe’ means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subtitle pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

“(7) NATIVE HAWAIIAN EDUCATION SYSTEM.—The term ‘Native Hawaiian education system’ means an entity eligible to receive direct grants or enter into contracts with the Secretary under section 6205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7515) to carry out the authorized activities under that section.
“(8) QUALIFYING EDUCATOR.—Subject to sub-
section (i), the term ‘qualifying educator’ means—

“(A) an elementary or secondary school

teacher who—

“(i) has obtained full State or Tribal
certification and licensure requirements for
such employment; and

“(ii) has not had such certification or
licensure requirements waived on an emer-
gency, temporary, or provisional basis;

“(B) an early childhood educator who pro-
vides care or instruction to children;

“(C) a school leader of an elementary or
secondary school who—

“(i) has obtained full State or Tribal
certification and licensure requirements for
such employment; and

“(ii) has not had such certification or
licensure requirements waived on an emer-
gency, temporary, or provisional basis; or

“(D) an early childhood education program
director (including a family child care provider).

“(9) QUALIFYING SERVICE.—
“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘qualifying service’ means—

“(i) in the case of a qualifying educator described in subparagraph (A) or (C) of paragraph (8), employment as a full-time qualifying educator in a high need school; and

“(ii) in the case of a qualifying educator described in subparagraph (B) or (D) of paragraph (8), employment as a full-time qualifying educator in an early childhood education program (including school-based programs).

“(B) EXCEPTION.—In the case of a qualifying educator who is unable to complete a full school or program year of service, that year may still be counted toward the required qualifying service period under paragraphs (1) and (2) of subsection (c) if—

“(i) the qualifying educator completed at least one-half of the school or program year;

“(ii) the employer considers the qualifying educator to have fulfilled the contract
requirements for the school or program year for the purposes of salary increases, tenure, and retirement; and

“(iii) the qualifying educator was unable to complete the school or program year because—

“(I) the qualifying educator returned to postsecondary education, on at least a half-time basis, in an area of study directly related to the performance of the qualifying service;

“(II) the qualifying educator experienced a condition described in section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612);

“(III) the qualifying educator was called or ordered to Federal or State active duty status, or Active Service as a member of a Reserve Component of the Armed Forces named in section 10101 of title 10, United States Code, or service as a member of the National Guard on full-time National Guard duty, as de-
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fined in section 101(d)(5) of title 10, United States Code; or

“(IV) the qualifying educator resides in or is employed in a disaster area, as declared by any Federal, State, or local official in connection with a national emergency.

“(10) SCHOOL LEADER.—The term ‘school leader’ has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965.

“(11) TRIBAL EARLY CHILDHOOD EDUCATION PROGRAM.—The term ‘Tribal early childhood education program’ means any of the following programs:

“(A) An American Indian or Alaska Native Head Start or Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.).

“(B) A Tribal child care and development program carried out under the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.).

“(C) A program serving children from birth through age 6 that—
“(i) receives funding support from the Native American language preservation and maintenance program carried out under section 803C of the Native American Programs Act of 1974 (42 U.S.C. 2991b–3);

“(ii) is a Tribal prekindergarten program;

“(iii) is a program authorized under section 619 or part C of the Individuals with Disabilities Education Act; or

“(iv) is a center-based or group-based early childhood learning or development program that the Secretary determines shall be included under this definition, after receiving a request from an Indian Tribe.

“(12) Tribal educational agency.—The term ‘Tribal educational agency’ has the meaning given the term (without respect to capitalization) in section 6132(b) of the Elementary and Secondary Education Act of 1965.

“(13) Year.—The term ‘year’, when applied to service as a qualifying educator, means a school or program year as defined by the Secretary or the
Secretary of Health and Human Services, as applicable.

“(i) SPECIAL RULE.—An educator that provides instruction or curricular development in an Alaska Native, American Indian, or Native Hawaiian language or a Native American language as defined in the Native American Languages Act (25 U.S.C. 2902) shall be considered to be a qualifying educator regardless of whether the educator has achieved full State or Tribal certification and licensure requirements for such employment.”.

(c) EFFECTIVE DATE; PROGRAM NAME.—

(1) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the day that is 180 days after the date of enactment of this Act.

(2) PROGRAM NAME.—The programs under section 428J and 460 of the Higher Education Act of 1965, as amended by subsections (a) and (b), shall be known as Educator Loan Forgiveness Programs.

(d) TECHNICAL AMENDMENT.—Section 455(m)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)(4)) is amended by striking “section 428J, 428K, 428L, or 460” and inserting “section 428K or 428L”.
SEC. 3. NOTICE TO BORROWERS.

Not later than 180 days after the Secretary of Education implements the programs under this Act, the Secretary, in coordination with the Secretary of Health and Human Services, shall take such steps as may be necessary to inform high need schools and early childhood education programs (as defined in section 460 of the Higher Education Act of 1965, as amended by this Act), Head Start programs (including Early Head Start programs) carried out under the Head Start Act (42 U.S.C. 9831 et seq.), early childhood educators and program directors (including family child care providers and program directors), public school teachers, public school leaders, Bureau of Indian Education school teachers, Bureau of Indian Education school leaders, Native Hawaiian education system school teachers, Native Hawaiian education system school leaders, local educational agency leaders (such as superintendents), local educational agencies, educational service agencies, educational service agency leaders, chief State school officers, State educational agencies, students attending institutions of higher education, and other student loan borrowers, of the amendments made by this Act to the loan forgiveness and loan cancellation programs under sections 428J and 460 of the Higher Education Act of 1965 (20 U.S.C. 1078–10; 1087j), including an explanation of how loans accrued before the
date of enactment of this Act may qualify for loan forgive-
ness or loan cancellation under such sections, as amended
by this Act, and an explanation of how service performed
before the date of enactment of this Act may count toward
qualifying service requirements for purposes of such sec-
tions, as amended by this Act.

7 SEC. 4. WAIVER OF NEGOTIATED RULEMAKING.

In carrying out this Act and any amendments made
by this Act, or any regulations promulgated under this Act
or under such amendments, the Secretary of Education
may waive the application of negotiated rulemaking under
section 492 of the Higher Education Act of 1965 (20